

REMARKS

Attorney for applicants has carefully reviewed the outstanding Office Action on the above-referenced application. Applicants have amended Claims 26-28, and have added new Claims 33-38.

Applicants' attorney thanks the Examiner for the telephonic interview conducted on March 21, 2007 in connection with the present application. While no final conclusions concerning the allowability of the claims were reached during the interview, it did provide the applicants' attorney with an opportunity to present arguments in support of the patentability of the present invention. More particularly, applicants' attorney presented arguments¹ directed to the discrete ceramic layer of the porous ceramic phase, to the discrete polymer layer of the porous polymer phase, and to the interphase region. As a result of the interview, applicants' attorney has amended the claims and drafted new claims, which are commensurate with the arguments presented during the interview.

Applicants' attorney has amended the specification to add a new paragraph. Because support for this amendment can be found in at least the originally filed drawings, the amendment to the specification does not constitute new matter.

The Examiner has rejected Claims 26-29 as being anticipated under 35 U.S.C. 102(e) by U.S. Patent No. 6,171,610 to Vacanti et al. Claims 30-32 have been rejected under 35 U.S.C. 103(a) as being unpatentable over the Vacanti et al. reference

¹ Arguments were also directed to the porous nature of the polymer phase. After further review, applicants' attorney has withdrawn these arguments.

in view of Wise et al. U.S. Patent No. 5,456,917. These claim rejections are respectfully traversed for the following reasons.

Amended independent Claim 26 relates to a method for repairing a defect area at the gradient junction of cartilaginous tissue and bony tissue, which includes the step of providing a composite scaffold with a porous ceramic phase including a discrete ceramic layer, a porous polymer phase including a discrete polymer layer, the polymer phase attached to the ceramic phase at an interphase region where the polymer phase is at least partially infused into the ceramic phase mechanically interlocking the ceramic and polymer phases, with the porosity of the ceramic and polymer phases communicating. The interphase region is situated between the discrete ceramic layer of the ceramic phase and the discrete polymer layer of the polymer phase. The other steps involve boring a receptacle space in the gradient junction at the site of the injury to receive the scaffold, the gradient junction being that of articular cartilage, and placing and securing the scaffold in the receptacle space with the ceramic phase adjacent to the bony tissue and the polymer phase adjacent to the cartilaginous tissue.

It is respectfully submitted that the Vacanti et al. reference does not anticipate or make obvious the present invention as recited in amended Claim 26. The Vacanti et al. reference discloses a method for generating tissue in a patient by delivering a liquid hydrogel-cell composition into a permeable, biocompatible support structure. The support structure with the hydrogel-cell composition disclosed in the Vacanti et al. reference is structurally different than the scaffold recited in amended Claim 26. More particularly, whereas the hydrogel-cell composition is simply saturated

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Enclosed is a Petition for a one-month extension of time to and including April 27, 2007, for which a \$120 fee is due. The Petition authorizes the Examiner to charge this \$120 fee to Deposit Account No. 503571. If there are any additional fees due as a result of this Amendment, including extension and petition fees, the Examiner is authorized to charge them to Deposit Account No. 503571.

Respectfully Submitted,

McCARTER & ENGLISH, LLP



By: Sanjiv M. Chokshi
Reg. No. 44,080

McCarter & English, LLP
Four Gateway Center
100 Mulberry Street
Newark, NJ 07102
Telephone: (973) 848-5368